



APPENDIX.

Sections 164, 165 and 167 of the Chandler Act are as follows:

"Sec. 164. Upon the approval of a petition, where a debtor is not continued in possession, the court shall fix a time within which the trustee shall prepare and file in court a list of the creditors of each class, showing the amounts and character of their claims and securities and, so far as known, the name and the post-office address or place of business of each creditor; and a list of the debtor's stockholders of each class, showing the number and kind of shares registered in the name of each stockholder and the last-known post-office address or place of business of each stockholder."

"Sec. 165. If in any case it appears that a person, other than the debtor or its trustee, has in his possession or under his control a list of security holders of the debtor or information in respect to their names, addresses, or the securities held by any of them, and such list or information is necessary in order to disclose the names and addresses of the beneficial owners of such securities, or to prepare or complete the schedules required to be filed under section 163 of this Act or the lists required to be filed under section 164 of this Act, the Court shall direct such person, after a hearing upon notice to him, to produce such lists or a true and correct copy thereof, or to furnish such information, or to permit the inspection or use thereof, as may be deemed by the court necessary for the foregoing purposes."

“Sec. 167. The trustee upon his appointment and qualification—

“(1) Shall, if the judge shall so direct, forthwith investigate the acts, conduct, property, liabilities, and financial condition of the debtor, the operation of its business and the desirability of the continuance thereof, and any other matter relevant to the proceeding or to the formulation of a plan, and report thereon to the judge;

“(2) may, if the judge shall so direct, examine the directors and officers of the debtor and any other witnesses concerning the foregoing matters or any of them;

“(3) shall report to the judge any facts ascertained by him pertaining to fraud, misconduct, mismanagement and irregularities, and to any causes of action available to the estate;

“(4) may, subject to the approval of the judge, employ such person or persons as the judge may deem necessary for the purpose of assisting the trustee in performing the duties imposed upon him under this chapter;

“(5) shall, at the earliest date practicable, prepare and submit a brief statement of his investigation of the property, liabilities, and financial condition of the debtor, the operation of its business and the desirability of the continuance thereof, in such form and manner as the judge may direct, to the creditors, stockholders, indenture trustees, the Securities and Exchange Commission, and such other persons as the judge may designate; and

“(6) shall give notice to the creditors and stockholders that *they may submit to him suggestions for the formulation of a plan, or proposals in the form of plans*, within a time therein named.”

Transcript of Record, Vol. I, page 121:

“(Title of District Court and Cause.)

STIPULATION.

“It is stipulated between petitioner, Chapman Brothers Company, a corporation, and the Security-First National Bank of Los Angeles, a national banking association, through their respective counsel, that in accordance with Rule 75-i of the Federal Rules of procedure, the court may, in lieu of copies being made thereof, order the transfer to the Circuit Court of Appeals of the original exhibits as a portion of the record on appeal to be used in the Circuit Court of Appeals upon the appeal herein in accordance with the rules of the Circuit Court of Appeals and such order as may be made in that court.

“Dated: August 18, 1939.

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By Wm. H. CAMPBELL,
Attorneys for Appellant Chapman Brothers Company.

THORPE & BRIDGES,
By ROANE THORPE,
Attorneys for Appellee Security-First National Bank of Los Angeles.

“(Endorsed): Filed Aug. 25, 1939. (119.)”

Sections 212 and 213 of the Chandler Act read as follows:

“Sec. 212. The judge may examine and disregard any provision of a deposit agreement, proxy, power or warrant of attorney, trust mortgage, trust indenture, or deed of trust, or committee or other authorization, by the terms of which an agent, attorney, indenture trustee, or committee purports to represent any creditor or stockholder, may enforce an accounting thereunder, may restrain the exercise of any power which he finds to be unfair or not consistent with public policy and may limit any claim or stock acquired by such person or committee in contemplation or in the course of the proceeding under this chapter to the actual consideration paid therefor.”

“Sec. 213. Without limiting the powers of the judge under section 212 of this Act, an agent, indenture trustee, or committee, purporting to represent creditors or stockholders, shall not be heard or allowed to intervene in a proceeding under this chapter until such person or persons shall have satisfied the court that they have complied with all applicable laws regulating the activities and personnel of such persons.”

